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The Honorable Robert S. Lasnik

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 9 Check Into Cash of Washington, Inc.  
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1	ECF Doc. No. 29-1	Transcript of Hearing Held on 11/02/2010 (Trial, a.m. session)
2	ECF Doc. No. 29-2	Transcript of Hearing Held on 11/02/2010 (Trial, p.m. session)
3	ECF Doc. No. 31-1	U.S. Bank Statement (Feb. 10, 2009 – Mar. 9, 2009)
4	ECF Doc. No. 31-2	Check Into Cash Consumer Loan Agreement
5	ECF Doc. No. 31-3	Check Into Cash's "Guidelines for Bankruptcy and CCCS Accounts"
6	ECF Doc. No. 31-4	Check Into Cash's "Collection Standards"
7	ECF Doc. No. 31-5	PACER search results, dated Feb. 17, 2010
8	ECF Doc. No. 31-6	Bankruptcy Notice of Creditor's Meeting under 11 U.S.C. § 341
9	ECF Doc. No. 31-7	Rupanjali Snowden Bankruptcy Petition, Schedule F
10	ECF Doc. No. 31-8	Personal check for \$575.00 to the order of Check Into Cash
11	ECF Doc. No. 31-9	Printout of certain pages from Check Into Cash's website
12	ECF Doc. No. 31-10	Printout of electronic stop payment order
13	ECF Doc. No. 31-11	Table of attorneys' fees incurred by Ms. Snowden
14	ECF Doc. No. 31-12	Printout of report from PACER Case Locator, dated Nov. 2, 2010
15	ECF Doc. No. 31-13	Collection notes from Check Into Cash's Sequim, Washington office
16	ECF Doc. No. 31-14	Printout of collection notes from Check Into Cash's corporate office
17	ECF Doc. No. 31-15	Check Into Cash's policy entitled "The day the Check is due"
18	ECF Doc. No. 31-16	U.S. Bank Statement (Sept. 10, 2008 – Oct. 8, 2008)
19	ECF Doc. No. 31-17	U.S. Bank Statement (Oct. 9, 2008 – Nov. 10, 2008)
20	ECF Doc. No. 31-18	U.S. Bank Statement (Dec. 9, 2008 – Jan. 9, 2009)
21	ECF Doc. No. 31-19	U.S. Bank Statement (Jan. 10, 2009 – Feb. 9, 2009)
22	ECF Doc. No. 31-20	U.S. Bank Statement (July 9, 2009 – Aug. 10, 2009)
23	ECF Doc. No. 31-21	E-mail from Lauren Hosie to Christina Henry, dated May 20, 2009
24	ECF Doc. No. 31-22	Printout from website of U.S. Bankruptcy Court
25	ECF Doc. No. 31-23	Declaration of Amit D. Ranade Attaching Demonstrative Trial Exhibits

1	ECF Doc. No. 31-24	Judgment re: Sanctions for Stay Violation
2	ECF Doc. No. 32-1	Transcript of Hearing Held on 11/16/2010 (oral ruling)
3	ECF Doc. No. 32-2	Final Order by Judge Robert S. Lasnik
4	ECF Doc. No. 32-3	Judgment after Remand
5	ECF Doc. No. 32-4	Notice of Appeal
6	ECF Doc. No. 32-5	Transcript of Hearing Held on 06/07/2012 (oral ruling)
7	ECF Doc. No. 34	Order Affirming Decision of Bankruptcy Court by Judge Robert S. Lasnik

## 9                   **II. STATEMENT OF ISSUES**

10           1.       Absent corroborating evidence, a debtor seeking emotional distress damages must  
 11 establish with clear evidence that: (a) she actually suffered emotional harm; and (b) a reasonable  
 12 person would suffer significant harm under the same circumstances. *In re Dawson*, 390 F.3d 1139,  
 13 1149-51 (9th Cir. 2004). The bankruptcy court, however, applied a preponderance of the evidence  
 14 standard in analyzing the actual harm element. Should the Ninth Circuit reverse because the lower  
 15 courts applied the wrong burden of proof to find that the debtor actually suffered emotional harm?

16           2.       The amount of the emotional distress award grossly exceeds the amounts awarded  
 17 in more egregious circumstances. Should the Ninth Circuit reverse because the award is manifestly  
 18 unreasonable in comparison to other emotional distress cases?

19           3.       Punitive damages are unavailable if the underlying conduct does not cause actual  
 20 damages, and awards should be proportional in any event. After reversing the erroneous award of  
 21 emotional distress damages, should the Ninth Circuit vacate the punitive damage award because  
 22 the debtor cannot clearly establish her actual emotional distress?

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1 DATED this 1<sup>st</sup> day of May, 2013.

2 HILLIS CLARK MARTIN & PETERSON P.S.

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4 By /s/ Amit D. Ranade

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13 Check Into Cash of Washington, Inc.

## CERTIFICATE OF SERVICE

14 I hereby certify that on May 1, 2013, I electronically filed Cross-Appellant Check Into  
15 Cash of Washington, Inc.'s Designation of Record and Statement of Issues on Appeal with the  
16 Clerk of the Court using the Electronic Case Filing System which will send notification of  
17 such filing to the below counsel of record.

18

- **Bankruptcy Appeals (SEA)**  
19 ECFHelp\_Sea@wawb.uscourts.gov
- **Christina Latta Henry**  
20 chenry@HDM-legal.com,hdmecl@gmail.com,mainline@hdm-legal.com

21 I certify under penalty of perjury that the foregoing is true and correct.

22 DATED this 1<sup>st</sup> day of May, 2013.

23

24 /s/ Amit D. Ranade

25 Amit D. Ranade

26 ND: 19792.006 4843-8403-7651v1